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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

U.S. RIGHT TO KNOW,	)	CASE NO. 4:25-CV-04490-DMR
	)	
Plaintiff,	)	<b>STIPULATION TO STAY CASE;</b>
	)	<b><del>PROPOSED ORDER</del></b>
v.	)	
	)	
NATIONAL INSTITUTES OF HEALTH,	)	
	)	
Defendant.	)	

Subject to the Court's approval, Plaintiff and Defendant, through their undersigned counsel of record, hereby stipulate as follows:

1. At midnight on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for other Executive Branch agencies, including the federal National Institutes of Health ("NIH"). The date when funding will be restored by Congress has not been established.

2. Defendant has conveyed the following to Plaintiff:

a. The Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney General,

1 provides that in the absence of appropriated funds no obligation can be incurred except for the protection  
 2 of life and property, the orderly suspension of operations, or as otherwise authorized by law. Absent an  
 3 appropriation, Department of Justice attorneys (and employees of the NIH) are prohibited from working,  
 4 even on a volunteer basis, “except for emergencies involving the safety of human life or the protection  
 5 of property.” 31 U.S.C. § 1342.

6 b. Undersigned counsel will be furloughed for the duration of the lapse in  
 7 appropriations.

8 c. In addition, the work of employees from the NIH is also necessary. If the  
 9 requested stay is denied, the work needed from the NIH may not be possible.

10 3. The parties therefore request a stay of the case until Congress has restored appropriations  
 11 to the Department of Justice and the government shutdown ends. The parties further request that all  
 12 deadlines in this case be extended for a period of time commensurate with the duration of the lapse in  
 13 appropriations – *i.e.*, each deadline would be extended by the total number of days of the lapse in  
 14 appropriations.

15 4. If this stay is granted, counsel for the United States will promptly notify the Court as  
 16 soon as the government shutdown has ended and will confer with opposing counsel and submit within  
 17 two weeks a joint proposed schedule for the remainder of litigation.

18 IT IS SO STIPULATED.

19 DATED: November 6, 2025

Respectfully submitted,

20 CRAIG H. MISSAKIAN  
 21 United States Attorney

22 /s/ Kelsey J. Helland  
 23 KELSEY J. HELLAND  
 24 Assistant United States Attorney  
 25 Counsel for Federal Defendant

26 DATED: November 6, 2025

Respectfully submitted,

27 /s/ Richard A. Brody  
 28 Jessica L. Blome  
 Lily A. Rivo  
 Richard A. Brody  
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*Attorneys for Plaintiff US Right to Know*

*\* In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all signatories have concurred in the filing of this document.*

~~[PROPOSED]~~ ORDER

Pursuant to stipulation, IT IS HEREBY ORDERED THAT:

1. This case is hereby STAYED until after the shutdown of the federal government has ended and appropriations to the Department of Justice have been restored;

2. All deadlines in this case are extended for a period of time commensurate with the duration of the lapse in appropriations; and

3. The Government will promptly notify the Court as soon as the government shutdown has ended and will confer with opposing counsel and submit within two weeks a joint proposed schedule for the remainder of litigation.

IT IS SO ORDERED.

DATED: November 6, 2025

  
\_\_\_\_\_  
HON. DONNA M. RYU  
Chief United States Magistrate Judge